IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the application of:	)	Attorney Docket No. 006921.00018
	)	
Peter Dam Nielsen	)	Confirmation No.: 5485
	)	
Serial No.: 10/593,818	)	Group Art Unit: 2617
	)	
Filing Date: July 13, 2007	)	Examiner: Huynh, Nam Trung
	)	
For: MOVEMENT ACTIVATED KEY GUARD	)	

APPEAL BRIEF

U.S. Patent and Trademark Office
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Sir:

This is an Appeal Brief in support of the Notice of Appeal filed May 6, 2011. Appeal is taken from the Final Office Action mailed March 17, 2011.

General Authorization of Payment of Fees

If any fees are due, or if any overpayments have been made, whether or not associated with this filing, please debit or credit Deposit Account No. 19-0733, accordingly. Any necessary extensions of time are hereby requested.

REAL PARTY IN INTEREST

37 C.F.R. § 41.37(c)(1)(i)

The owner of this application, and the real party in interest, is Nokia Corporation of Espoo, Finland.

RELATED APPEALS AND INTERFERENCES
37 C.F.R. § 41.37(c)(1)(ii)

There are no known related appeals or interferences.

STATUS OF CLAIMS
37 C.F.R. § 41.37(c)(1)(iii)

Claims 1, 5-7, and 9-13 are pending and rejected. Claims 2-4 and 8 were previously canceled without prejudice or disclaimer. Appellant hereby appeals the rejection of the pending claims.

STATUS OF AMENDMENTS
37 C.F.R. § 41.37(c)(1)(iv)

There are no outstanding amendments, and the status of the claims provided herein is indicative of the claims on appeal.

SUMMARY OF CLAIMED SUBJECT MATTER
37 C.F.R. § 41.37(c)(1)(v)

In making reference herein to various embodiments in the specification text and/or drawings to explain the claimed invention, Appellant does not intend to limit the claims to those embodiments; all references to the specification and drawings are illustrative unless otherwise explicitly stated. Appellant refers to the filed specification and drawings at the cited portions for support with the understanding that the specification and drawings, when taken as a whole, also provide support.

Independent claim 1 is directed to a method comprising detecting a change of state of motion of an apparatus from a state in which the apparatus is substantially at rest, to a state in which the apparatus is in motion. Specification, page 2, lines 14-30; page 5, lines 12-26; page 6, line 21 – page 7, line 13; Figure 2 (steps 202-204); Figure 3 (steps 301-304). The method further comprises monitoring for a user-induced input activity during a predetermined time period, wherein the monitoring is triggered by the detecting of the change of state of motion of the apparatus. Specification, page 2, line 14 – page 3, line 6; page 5, lines 27-31; page 7, lines 14-18; Figure 2 (steps 204-208); Figure 3 (steps 304-308). The method further comprises, as a

result of an absence of any user-induced input activity during the predetermined time period, activating an input lock in the apparatus. Specification, page 2, line 14 – page 3, line 6; page 6, lines 6-10; page 7, lines 24-29; Figure 2 (steps 208-210); Figure 3 (steps 308-310).

Independent claim 7 is directed to an apparatus comprising a processor. Specification, page 3, lines 29-30; page 4, line 8 – page 5, line 7; Figure 1 (processor 107). The apparatus further comprises memory storing instructions that, when executed by the processor, cause the apparatus to at least detect a change of state of motion of the apparatus from a state in which the apparatus is substantially at rest, to a state in which the apparatus is in motion. Specification, page 2, lines 14-30; page 3, lines 29-30; page 4, line 8 – page 5, line 7; page 5, lines 12-26; page 6, line 21 – page 7, line 13; Figure 1 (processor 107, memory 109); Figure 2 (steps 202-204); Figure 3 (steps 301-304). The instructions, when executed by the processor, further cause the apparatus to at least monitor for a user-induced input activity during a predetermined time period, wherein the monitoring is triggered by the detecting of the change of state of motion of the apparatus. Specification, page 2, line 14 – page 3, line 6; page 3, lines 29-30; page 4, line 8 – page 5, line 7; page 5, lines 27-31; page 7, lines 14-18; Figure 1 (processor 107, memory 109); Figure 2 (steps 204-208); Figure 3 (steps 304-308). The instructions, when executed by the processor, further cause the apparatus to at least, as a result of an absence of any user-induced input activity during the predetermined time period, activate an input lock in the apparatus. Specification, page 2, line 14 – page 3, line 6; page 3, lines 29-30; page 4, line 8 – page 5, line 7; page 6, lines 6-10; page 7, lines 24-29; Figure 1 (processor 107, memory 109); Figure 2 (steps 208-210); Figure 3 (steps 308-310).

Independent claim 10 is directed to a non-transitory computer readable medium comprising software instructions that, when executed by an apparatus, cause the apparatus to detect a change of state of motion of the apparatus from a state in which the apparatus is substantially at rest, to a state in which the apparatus is in motion. Specification, page 2, lines 11-30; page 3, lines 29-30; page 4, line 8 – page 5, line 7; page 5, lines 12-26; page 6, line 21 – page 7, line 13; Figure 1 (memory 109); Figure 2 (steps 202-204); Figure 3 (steps 301-304). The instructions, when executed by the apparatus, further cause the apparatus to monitor for a user-induced input activity during a predetermined time period, wherein the monitoring is triggered

by the detecting of the change of state of motion of the apparatus. Specification, page 2, line 11 – page 3, line 6; page 3, lines 29-30; page 4, line 8 – page 5, line 7; page 5, lines 27-31; page 7, lines 14-18; Figure 1 (memory 109); Figure 2 (steps 204-208); Figure 3 (steps 304-308). The instructions, when executed by the apparatus, further cause the apparatus to, as a result of an absence of any user-induced input activity during the predetermined time period, activate an input lock in the apparatus. Specification, page 2, line 11 – page 3, line 6; page 3, lines 29-30; page 4, line 8 – page 5, line 7; page 6, lines 6-10; page 7, lines 24-29; Figure 1 (memory 109); Figure 2 (steps 208-210); Figure 3 (steps 308-310).

GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL
37 C.F.R. § 41.37(c)(1)(vi)

Whether claims 1, 5-7, and 9-13 are unpatentable under 35 U.S.C. § 103(a) over U.S. pat. no. 6,529,144 ("Nilsen"), in view of U.S. pat. no. 7,130,583 ("Skorpik"), and further in view of U.S. pat. no. 6,449,492 ("Kenagy").

ARGUMENT
37 C.F.R. § 41.37(c)(1)(vii)

Rejection Of Claims 1, 5-7, And 9-13 Under 35 U.S.C. § 103(a) Over Nilsen, In View Of Skorpik, And Further In View Of Kenagy

1. Independent Claim 1 And Dependent Claims 6 And 11

Independent claim 1 recites, among other features, "detecting a change of state of motion of an apparatus from a state in which the apparatus is substantially at rest, to a state in which the apparatus is in motion; monitoring for a user-induced input activity during a predetermined time period, wherein the monitoring is triggered by the detecting of the change of state of motion of the apparatus."

The Office Action at page 4 concedes that Nilsen and Skorpik fail to teach monitoring for a user-induced input activity, wherein the monitoring is triggered by the detecting of the change of state of motion of the apparatus. The Office Action at page 4 contends that Kenagy at col. 4, lines 46-64 remedies the deficiencies of Nilsen and Skorpik in this respect. This is incorrect. Kenagy at col. 4, lines 46-64 merely describes key lock activation conditions based on no input being received from a keypad or a switch, removing a system from a hands-free accessory cradle, or on system power-on. Kenagy fails to describe a key lock activation condition (e.g., the alleged monitoring) being triggered by a detecting of a change of state of motion of the system. For example, even assuming that motion is associated with the removal of a system from a hands-free accessory cradle, one of skill in the art would appreciate that the key lock activation in Kenagy would be based on the breaking of a switch or connection between the system and the cradle, and not based on the motion of the system itself. Accordingly, claim 1 is distinguishable from the applied art for at least the foregoing reasons (notwithstanding whether any combination of Nilsen, Skorpik, and Kenagy would have been proper).

Furthermore, one of ordinary skill in the art would not have combined Nilsen and Kenagy (with Skorpik) in the manner suggested by the Office Action. In Nilsen, a motion processor detects whether a motion sequence has occurred that matches a stored motion sequence, and if it does, a corresponding function is performed. *See, e.g.*, Nilsen at col. 2, line 67 – col. 3, line 10;

col. 4, lines 14-39. Thus, in Nilsen, there would be no reason to monitor for a user-induced input activity during a predetermined time period, wherein the monitoring is triggered by detecting a change of state of motion of the apparatus because in Nilsen the device simply determines whether the motion sequence matches a stored motion sequence. As the proposed modification of Nilsen to incorporate the alleged teachings of Kenagy is improper, claim 1 is allowable for at least these additional reasons.

Claims 6 and 11 depend from claim 1 and are distinguishable from the applied art for at least the same reasons as claim 1, and further in view of the features recited therein.

2. Dependent Claim 5

Claim 5 depends from claim 1 and is distinguishable from the applied art for at least the same reasons as claim 1.

Moreover, claim 5 recites "wherein said step of detecting that the apparatus is substantially at rest includes monitoring, during a second predetermined time period, any motion of the apparatus and, when said second predetermined time period has lapsed and motion of the apparatus has not been detected, establishing that the apparatus is substantially at rest." The Office Action at pages 4-5 contends that Skorpik at col. 5, lines 5-22 and lines 55-61 describes such features. The cited passages of Skorpik merely describe processing circuitry that changes from a dormant operational state to an active operational state, or vice versa, following termination of a movement event or the moment when sufficient data regarding the event has been processed. Skorpik fails to describe monitoring for motion of a device during a (second) predetermined time period, much less establishing that the device is substantially at rest when the predetermined time period has lapsed as recited in claim 5. Claim 5 is distinguishable from the applied art for at least these additional reasons.

3. Independent Claim 7 And Dependent Claims 9 And 12

Independent claim 7 recites "detect a change of state of motion of the apparatus from a state in which the apparatus is substantially at rest, to a state in which the apparatus is in motion; monitor for a user-induced input activity during a predetermined time period, wherein the monitoring is triggered by the detecting of the change of state of motion of the apparatus." Such

features are distinguishable from the applied art for at least reasons substantially similar to those described above with respect to claim 1.

Claims 9 and 12 depend from claim 7 and are distinguishable from the applied art for at least the same reasons as claim 7, and further in view of the features recited therein.

4. Independent Claim 10 And Dependent Claim 13

Independent claim 10 recites "detect a change of state of motion of the apparatus from a state in which the apparatus is substantially at rest, to a state in which the apparatus is in motion; monitor for a user-induced input activity during a predetermined time period, wherein the monitoring is triggered by the detecting of the change of state of motion of the apparatus." Such features are distinguishable from the applied art for at least reasons substantially similar to those described above with respect to claim 1.

Claim 13 depends from claim 10 and is distinguishable from the applied art for at least the same reasons as claim 10, and further in view of the features recited therein.

CONCLUSION

For all of the foregoing reasons, Appellant respectfully submits that the standing rejection(s) of the appealed claims is/are improper and should be reversed.

Respectfully submitted,

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Dated: July 8, 2011

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CLAIMS APPENDIX
37 C.F.R. § 41.37(c)(1)(viii)

Claims involved in the appeal:

1. A method comprising:

detecting a change of state of motion of an apparatus from a state in which the apparatus is substantially at rest, to a state in which the apparatus is in motion;

monitoring for a user-induced input activity during a predetermined time period, wherein the monitoring is triggered by the detecting of the change of state of motion of the apparatus; and

as a result of an absence of any user-induced input activity during the predetermined time period, activating an input lock in the apparatus.

2-4. (canceled)

5. The method according to claim 1, wherein said step of detecting that the apparatus is substantially at rest includes monitoring, during a second predetermined time period, any motion of the apparatus and, when said second predetermined time period has lapsed and motion of the apparatus has not been detected, establishing that the apparatus is substantially at rest.

6. The method according to claim 1, where detecting a change of state of motion includes detecting acceleration in any spatial direction.

7. An apparatus comprising:

a processor; and

memory storing instructions that, when executed by the processor, cause the apparatus to at least:

detect a change of state of motion of the apparatus from a state in which the apparatus is substantially at rest, to a state in which the apparatus is in motion;

monitor for a user-induced input activity during a predetermined time period, wherein the monitoring is triggered by the detecting of the change of state of motion of the apparatus; and

as a result of an absence of any user-induced input activity during the predetermined time period, activate an input lock in the apparatus.

8. (canceled)

9. The apparatus according to claim 7, wherein the instructions, when executed by the processor, cause the apparatus to:

detect acceleration in any spatial direction.

10. A non-transitory computer readable medium comprising software instructions that, when executed by an apparatus, cause the apparatus to:

detect a change of state of motion of the apparatus from a state in which the apparatus is substantially at rest, to a state in which the apparatus is in motion;

monitor for a user-induced input activity during a predetermined time period, wherein the monitoring is triggered by the detecting of the change of state of motion of the apparatus; and

as a result of an absence of any user-induced input activity during the predetermined time period, activate an input lock in the apparatus.

11. The method of claim 1, wherein detecting a change of state of motion of the apparatus comprises determining that a motion detector included in the apparatus has triggered an interrupt.

12. The apparatus of claim 7, further comprising:

a motion detector,

wherein the instructions, when executed by the processor, cause the apparatus to determine that the motion detector has triggered an interrupt.

13. The non-transitory computer readable medium of claim 10, wherein the instructions, when executed by the apparatus, cause the apparatus to determine an absence of a depression of a key located on the apparatus.

EVIDENCE APPENDIX

37 C.F.R. § 41.37(c)(1)(ix)

NONE.

RELATED PROCEEDINGS APPENDIX

37 C.F.R. § 41.37(c)(1)(x)

NONE.